

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PAMELA M. KING,

Appellant,

v.

JOHN KENDALL,

Appellee.

No. C 09-02157 WHA

Bankruptcy No. 09-41673 RJN

ORDER DISMISSING APPEAL


As summarized in the order to show cause filed on December 1, 2009, this bankruptcy appeal has been languishing before the undersigned for half a year, awaiting *any* action by the parties to dismiss the appeal, perfect the record on appeal, or move the process forward (Dkt. No. 3). While *pro se* appellant, Pamela M. King, filed a timely notice of appeal from an order entered by the bankruptcy court, she failed to file and serve a designation of items to be included in the record on appeal within ten days pursuant to Bankruptcy Rule 8006. Moreover, neither party ordered transcripts of the bankruptcy hearings for this appeal. Finally, appellant has failed to keep her address of record current, and therefore the Clerk as been unable to deliver the prior order to her (Dkt. No. 4). While it is the policy of the undersigned to be accommodating to *pro se* parties with respect to deadlines, it is unclear how any accommodations can be made when appellant cannot be reached. Additionally, six months is beyond a reasonable time to wait for the parties to show signs of life.

1 These facts, taken together, provide compelling evidence that appellant is no longer
2 interested in pursuing her appeal. The undersigned, therefore, has no choice but to dismiss the
3 appeal under FRCP 41(b) for failure to prosecute. Additionally, a separate ground that would
4 *also* justify this dismissal is appellant's failure to perfect the record on appeal under Bankruptcy
5 Rule 8006. *See In re Sanowski*, 223 Fed.Appx. 642 (9th Cir. 2007) (unpublished) (holding that a
6 debtor's failure to timely file a designation of the bankruptcy court record supported the dismissal
7 of her appeals). This bankruptcy appeal, therefore, is hereby **DISMISSED**, and **THE CLERK**
8 **SHALL CLOSE THE FILE.**

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10 **IT IS SO ORDERED.**

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12 Dated: December 29, 2009.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE